

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

JOSHUA GARTON,

Plaintiff,

v.

W. RAY CROUCH, *et al.*,

Defendants.

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Case No. 3:21-cv-00338

JURY DEMANDED

**PLAINTIFF’S UNOPPOSED MOTION
TO AMEND THE SCHEDULING ORDER**

COMES NOW the Plaintiff, Joshua Garton (hereinafter “Plaintiff”), by and through undersigned counsel, and files his *Unopposed Motion to Amend the Scheduling Order*, and in support thereof states as follows:

RELEVANT FACTUAL AND PROCEDURAL BACKGROUND

1. On April 28, 2021, Plaintiff filed his *Complaint* in this matter (ECF No. 1).
2. On March 24, 2022, the Parties attended a scheduling conference with the Court. (see ECF No. 68). The result of which was the publishing of the *Initial Case Management Order* (ECF No. 72).
3. On April 7, 2022, the Parties exchanged initial disclosures.
4. On April 19, 2022, Defendants Joseph Craig and Andrew Vallee moved the Court for a protective order regarding investigative files of the Tennessee Bureau of Investigation. (ECF No. 73).
5. On April 24, 2022, Plaintiff filed his response in opposition. (ECF No. 74).

6. On April 25, 2022, this Court referred the matter to the Magistrate Judge. (ECF No. 75).

7. On July 20, 2022, Plaintiff filed his *Unopposed Motion To Extend The Amendment Deadline To December 8, 2022*. (ECF No. 76).

8. On October 20, 2022, Plaintiff served discovery requests to Defendants Joe Craig, Andrew Vallee, and District Attorney General Ray Crouch.

9. On October 31, 2022, this Court granted Plaintiff's motion and set the amendment deadline as December 8, 2022. (ECF No. 77).

10. On November 16, 2022, Plaintiff filed a second unopposed motion to extend the amendment deadline. (ECF No. 79).

11. On November 17, 2022, this Court granted Plaintiff's second motion and set the amendment deadline as March 8, 2023. (ECF No. 80).

12. On November 18, 2022, Plaintiff received Defendant District Attorney General Ray Crouch's discovery responses. These discovery responses rely heavily on the TBI files yet to be produced in this matter.

13. On November 21, 2022, Plaintiff received Defendants Joe Craig and Andrew Vallee's discovery responses.

14. On December 15, 2022, Plaintiff filed his *Motion to Ascertain Status of the TBI Defendants' Motion for Protective Order*. (ECF No. 81).

15. On December 16, 2022, the Court granted the motion and informed Plaintiff that the matter would be addressed in due course. (ECF No. 82).

16. Plaintiff avers that it is necessary for the Court to rule on the protective order related to the TBI investigative files in order to properly amend or prepare for and conduct depositions of the Defendants in this matter.

17. The Parties have been diligent in meeting all other deadlines in this case and aver that no parties will be prejudiced by granting this motion.

LEGAL ARGUMENT

Federal Rule of Civil Procedure 16(b)(4) provides “[a] schedule may be modified only for good cause and with the judge’s consent.” *See also* Fed. R. Civ. P. 6(b)(1)(A) (allowing a court to extend time to act for good cause). The primary consideration in determining if good cause exists is the moving party’s diligence in meeting the deadlines. *Inge v. Rock Fin. Corp.*, 281 F.3d 613, 625 (6th Cir. 2002) (citations omitted).

In this instant case, there has been no delay, bad faith, or dilatory motive by Plaintiff. Plaintiff respectfully proffers that justice would be served by extending each of the deadlines in both the *Initial Case Management Order* (ECF No. 72) and current amendment deadline (ECF No. 80) by ninety (90) days.

CONCLUSION

For the foregoing reasons, Plaintiffs submit there is good cause to amend all remaining deadlines by ninety (90) days. As such, Plaintiffs respectfully request this Court GRANT this Motion.

Respectfully submitted this 19th day of January 2023.

[Signatures on following page]

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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of January 2023, a copy of the foregoing was transmitted via the Court's ECF system to:

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/s/ Craig A. Edgington

CERTIFICATE OF CONSULTATION

Plaintiff's attorney, Craig A. Edgington, consulted with Defendants' counsel Mary E. McCullohs and Amanda Jordan between January 13th and 18th, and Defendants have no objection to the relief sought in this motion.

/s/ Craig A. Edgington